

# ACT No. 396

Regular Session, 2004

HOUSE BILL NO. 1139

BY REPRESENTATIVE HAMMETT

1 AN ACT

2 To amend and reenact R.S. 47:1967(A), (B), (E), and (G), 1969, and 1971, relative to ad  
3 valorem taxation; to provide for the assessment of certain bank stock; and to provide  
4 for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 47:1967(A), (B), (E), and (G), 1969, and 1971 are hereby amended  
7 and reenacted to read as follows:

8 §1967. Listing and assessment of bank stock; procedure

9 A. The shares of stock of all banks, banking companies, firms, associations,  
10 or corporations, doing a banking business in this state, chartered by the laws of this  
11 state, any other state, or of the United States or chartered under the laws of another  
12 country are hereby declared subject to taxation for all purposes in this state.

13 B. Shares of stock of all banks, banking companies, firms, associations, or  
14 corporations doing a banking business in this state, chartered by the laws of this state,  
15 any other state, or of the United States, or chartered under the laws of another country  
16 shall be valued by the assessing authorities for taxation for all purposes at a ~~per~~  
17 ~~centum~~ percent of their valuation made by the assessing authorities in accordance  
18 with law, as follows: shares of stock in federal joint stock land banks organized  
19 under the Farm Loan Act of 1916 of the United States Congress shall be assessed for  
20 the purpose of taxation at fifteen ~~per centum~~ percent of their valuation made by the  
21 assessing authorities in accordance with law, and shares of all ~~state~~ state-chartered  
22 banks and of all national banks shall be assessed for the purpose of taxation at fifteen  
23 ~~per centum~~ percent of their valuation commencing with taxable year 1978 made by

1 assessing authorities in accordance with law, calculated and ascertained by the  
2 method hereinafter set forth.

3 \* \* \*

4 E. For the purposes of arriving at fair market value of bank stock in the  
5 formula outlined in Subsection D, the tax commission or its successor shall compute  
6 the formula as follows:

7 (1) In the case of banks, banking companies, firms, associations, or  
8 corporations created under the laws of the United States, from the statements made  
9 to the comptroller of the currency and required to be published as of December 31  
10 ~~thirty-first~~ of each year; ~~or~~ .

11 (2) In the case of banks, banking companies, firms, associations, or  
12 corporations created under the laws of this state, from the statement made to the  
13 commissioner of financial institutions, and required to be published as of December  
14 31 ~~thirty-first~~ of each year.

15 (3) In the case of banks, banking companies, firms, associations, or  
16 corporations created under the laws of any other state, the FDIC or state regulator and  
17 required to be published as of December thirty-first of each year.

18 (4) In the case of banks created under the laws of another country,  
19 information is to be submitted to the Louisiana Tax Commission which shall satisfy  
20 the purposes of this Chapter.

21 \* \* \*

22 G. Except as provided herein, no assessment shall hereafter be made against  
23 the capital stock, surplus, undivided profits or reserves of any bank, banking  
24 company, firm, association, or corporation engaged in the banking business,  
25 chartered under the laws of this state, any other state, or of the United States, or  
26 chartered under the laws of another country doing business in this state, whose  
27 capital stock is represented by shares.

28 \* \* \*

1           §1969. Listing and assessing of bank stock; branch banks

2                   When any bank, banking company, firm, association, or corporation engaged  
3           in the banking business, chartered under the laws of this state, any other state, or the  
4           United States, or chartered under the laws of another country doing business in this  
5           state, shall operate a branch bank or banks, banking office or banking offices, in  
6           different municipalities wholly within the limits of the parish of its legal domicile,  
7           its tax assessment for state and local purposes may be assessed at its domicile or may  
8           be apportioned among the various municipalities in which such bank and its branch  
9           or branches are located in the proportion which the respective amount of deposits in  
10          such branches shall bear to the total deposits of such bank and its branches, the  
11          amount of deposits to be determined as of the thirty-first of December of the  
12          preceding year. This Section shall not affect, supersede, or modify other laws upon  
13          the same subject matter, but shall be supplementary thereto, and its exercise  
14          discretionary with the banks, banking companies, firms, associations, or corporations  
15          affected hereby. This ~~paragraph~~ Paragraph shall not apply to the parish of Orleans.

16                                   \*           \*           \*

17          §1971. Listing and assessing of bank stock and real estate; payment of tax; recovery  
18          from shareholders

19                  All the taxes assessed against shares of stock shall be paid by the bank,  
20          banking company, firm, association, or corporation engaged in the banking business  
21          directly, and it shall be entitled to collect the amount thus paid from the shareholders  
22          or their transferees. The taxes on the shares of stock and real estate owned by any  
23          bank, banking company, firm, association, or corporation engaged in the banking  
24          business shall be collected in the same manner as the taxes on the other property of  
25          a like nature are collected. In the event any bank, banking company, firm,  
26          association, or corporation doing business in this state, chartered under the laws of  
27          the United States, ~~or this state~~, any other state, or chartered under the laws of another  
28          country is, by decision of the courts, held not to be liable to pay the taxes on the  
29          shares of the shareholders, then the taxes shall be collected from and paid by such

1           shareholders, and each shareholder failing to pay the taxes may be proceeded against  
2           in the manner provided for the collection of taxes on movable property.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_